



THE COMMONWEALTH OF MASSACHUSETTS  
WATER RESOURCES COMMISSION

---

**Meeting Minutes for September 12, 2002**

**Members in Attendance:**

Mark P. Smith	Designee, EOE
Marilyn Contreas	Designee, DHCD
Mike Gildesgame	Designee, DEM
Dave Terry	Designee, DEP
Gerard Kennedy	Designee, DFA
Joe Pelczarski	Designee, CZM
Richard Butler	Public Member
Matthew Rhodes	Public Member
Bob Zimmerman	Public Member

**Others in Attendance:**

Linda Marler	DEM
Michele Drury	DEM
Vicki Gartland	DEM
Steve Garabedian	USGS
Lise Marx	MWRA
Dave Brew	MWRA
Ryan Ferrara	MWRA Advisory Board
Carl Leone	MWRA
Marian Berkowitz	MDPH
Jeff Toccio	Sager/Perrone
Dan Annaccone	Weymouth
Dave Daltorio	Weston & Sampson
William Carr	Perrone
David Szczebak	DFW Westborough
John Reinhardt	DEP
Steve Pearlman	DEP
Sharon McGregor	EOEA
Eric Skadberg	Coler-Colantonio

---

**Agenda Item #1: Executive Director's Report**

- The revised draft lawn policy was mailed out to all those who commented. The policy will be discussed by the WRC in October or November.
- Salem-Beverly installed a redundant pump. There is a response from Salem-Beverly in package. We are following up.
- The agenda has been updated. Sharon McGregor asked that an additional item be added to discuss the ecosystem restoration policy. There are many restoration programs in the Commonwealth. This program is trying to coordinate all those programs. This will be item #6 on today's agenda.

- Charlton came to the WRC seeking a short-term and long-term solution to private well contamination. They've asked us once again to postpone any decision on their request for a determination of insignificance. Staff is working with DEP on an ACO that will allow Charlton to receive water on a short-term basis.
- Budget items continue to be an issue for all EOEA agencies.
- EPA is coming out with Phase II storm water regulations. Massachusetts needs to update its regulations by spring so that joint permits can be issued with EPA. DEP is on a fast track on this. A presentation will be made to the WRC in October.
- Staff is reviewing a watershed conservation plan developed by the Ipswich River Watershed Association and watershed towns.
- Work is being done to finalize the Lakes and Ponds GEIR on restoration techniques and determine how this impacts the existing regulatory framework. The report will go back to the CAC this fall. It will be submitted to MEPA in November for wider public review. A presentation will be made to the WRC after it comes back from the CAC.
- The Watershed Initiative Steering Committee and EOEA are about to release a strategic implementation plan.

Marler provided an update on the hydrologic conditions:

- Precipitation was 72% of normal during the month of August. For the water year beginning last October, precipitation is at 78% of normal.
- As a result of the low amount of rainfall in both July and August, the ground water levels statewide have been classified as below normal by USGS. In June, ground water levels had been at normal levels, so this decline has happened only over a few months.
- Surface water runoff has responded much more quickly. It is below normal for all regions. Surface water runoff was in fairly decent condition at the end of July, but the lack of rain in August has resulted in deteriorated conditions.
- Water supply reservoir levels: Quabbin is at 80% of full, but this is well above the MWRA drought levels. Many reservoirs are at below normal for this time of year, but we are no longer in the peak usage period, so water use will decline and there will be some recharge.
- Fire danger levels in August were in the high range.
- Drought indices: the Drought Monitor shows Massachusetts to be at the second of five drought levels. The drought is intensifying in New England. The prediction for September is for normal precipitation, but since the beginning of the month, there has not been much rain. At this time precipitation is below normal for September. The long-term forecast through December is for below normal precipitation, so drought conditions could last for awhile.
- There are a number of water use restrictions still in place, which is unusual for this time of year. At the Drought Management Task Force meeting last week, it was decided to remain at the drought watch level for the Southeastern region and Cape Cod and to keep remainder of the state at the advisory level. The Drought Management Task Force will meet again in early October.

Pelczarski said that NOAA had just come out with the El Nino forecasts. It predicts a dry winter.

**Agenda Item #2: Vote – Sager-Perrone Request for Determination of Insignificance under the Interbasin Transfer Act**

Drury acknowledged the representatives from the Sager and Perrone companies. She recapped the discussion from last month and referred to the recent Weymouth Landing Interbasin Transfer Act decision. In that document, the WRC decided that properties outside of Weymouth which wanted to connect to the Weymouth sewer system would need to meet certain requirements before applying to the WRC under the Interbasin Transfer Act. However, the Commission also acknowledged that the Sager-Perrone project was already under review, and so would not be subject to these requirements. The companies will still need to get approvals under the ITA and from MWRA and DEP.

This project is a wastewater transfer. The proposal is to sewer two buildings. The pipeline capacity is 55,000 gpd, however these buildings will only generate 4,500 gpd, combined. The ITA regulates capacity, so Staff worked with DEM and MWRA legal staffs, Sager and Perrone companies and the town of Weymouth to come up with a way to develop a surrogate for capacity in order to make sure that this pipeline will not be used to take the full flow capacity out of the basin. It was decided to use the contracts and the legislation required to join MWRA. These strictly restrict the amount of flow and we felt confident that this could be used as surrogate. So using the lesser amount of flow, this transfer does meet the criteria for insignificance. If the contracts or legislation are amended, the ITA will be triggered. There will be no guarantee that an increase will be approved under the Act.

Gartland said the impact of the transfer of wastewater from the Weymouth Fore River basin was evaluated against the criteria for insignificance, which require no diminishment of the 95% exceedance flow and no diminishment of the instantaneous flow by more than 5%. The requirement for no diminishment of 7Q10 flow was not evaluated because there are no wastewater treatment plants downstream that may have permits based on 7Q10 flows. During a moderate drought, the proposal meets the criteria for insignificance. In addition, the water from this site comes from another subbasin within the Weymouth/Weir subbasin of the Boston Harbor basin.

<b>V O T E</b>	Butler moved, with a second by Kennedy, to approve the Staff Recommendation that the Sager-Perrone project, at the flow rates presented, meets the criteria for insignificance under the Interbasin Transfer Act.
	The vote in favor was unanimous of those present.

**Agenda Item #3: Presentation - Weymouth's Local Water Resources Management Plan**

Drury acknowledged Weymouth's representatives. In July, the WRC approved Weymouth's request for approval of an interbasin transfer for the Landing Area sewer project. Weymouth met all of the criteria of Act. They were in process of developing local water resources management plan. As a condition of the approval, Weymouth was required to incorporate Staff's comments on the draft local water resources management plan and present a final for approval. Staff is recommending that the final plan be approved by the WRC. Some comments were provided by Marilyn Contreas yesterday, and were sent directly to Weymouth's consultants who responded promptly.

Contreas was asking for clarifications which were provided. When this plan was reviewed, it was thought that Weymouth did a good job; therefore Staff is recommending that the WRC approve the local water resources management plan. Staff usually makes a presentation and asks for a vote at the following meeting, however, Weymouth has asked for a vote today. Drury will leave this up to the WRC.

Smith said that the Performance Standards went into detail about what was required in a local water resources management plan. This should be a broad overview. The approval is that Weymouth has met the criterion for having a local water resources management plan in place. The WRC is not approving the various individual plans the town may have. Drury added that for certain other programs under MWRA and DEP, a community needs to have a local water resources management plan approved by the WRC. Smith asked if the WRC was comfortable taking a vote today.

Zimmerman asked about the population estimates. Because it shows a flat line, does this mean that the town is at buildout? Drury said they are very close to buildout, according to all the projections reviewed.

<b>V O T E</b>	Smith moved, with a second by Gildesgame, that Weymouth's local water resources management plan meets criterion #7 of the Interbasin Transfer Act and is approved by the WRC.
	The vote was unanimous of those present.

**Agenda Item #4: Presentation – Draft Proposed Revision of Sewer Extension and Connection Regulations**

Pearlman said DEP feels that its requirements for sanitary sewer extensions and connections are largely redundant. All facilities are required to get permits from local sources and larger industrial facilities are required to get permits from EPA or DEP for discharge. The key point to remember is that the entities regulated by the existing regulations are discharging to an existing sewer system. The permits are not for direct discharges. The discharge goes to a larger treatment plant that is already covered by DEP and EPA regulations. The overall gist of this is to pay more attention to the publicly owned treatment works (POTW) and give them the authority to look at sewer extensions and connections. The regulations will go out to public hearing in October.

DEP is suggesting a two tiered approach, with the first to take place immediately. This would end permitting on the smallest and least technically complex. These projects are five times smaller than the MEPA ENF threshold. These would be less than 20,000 gpd. A provision has been added to give DEP authority to take jurisdiction where they feel it is warranted.

The point is to get more municipalities to adopt what used to be called a “facilities plan”. These should include a map showing where future sewer extensions and connections will be located. This plan will need DEP and MEPA approval. DEP feels this is a better way to review the overall sewerage plans of communities. The plan will also need to address I/I and water conservation and discuss the overall water resources management needs. The plans will need to be in compliance with DEP's regulations, in particular 314 CMR 7.00 & 12.00, and include having a sewer use ordinance.

Reinhardt's presentation dealt with industrial discharges to sewer treatment plants. DEP has a program currently on the books that any industrial discharge of any type must have a state permit. DEP does not have nearly as much staff as needed to oversee this policy and this creates redundancy with local efforts. Local governments regulate the largest dischargers, as required by EPA. DEP is proposing to substitute a compliance enhancement certification for the state permit for those industrial dischargers which have local permits. This does not apply to dischargers to the MWRA system. MWRA has the jurisdiction over those communities. There are smaller unpermitted dischargers. Part of DEP's strategy is to assess these smaller discharges on a watershed basis to see if there are any problems associated with these dischargers. That is not part of this regulatory package.

The annual certification will make the responsible person in each facility sign and swear that they are in compliance with the permit and that they have systems in place to maintain compliance. They will also certify to the upgrading requirements. Fees for certification are similar to permitting fees. There is an optional provision for pollution prevention. To be eligible, a facility has to reduce the input of toxics to wastewater or reduce the volume of wastewater or create a TURA plan. There are additional benefits to doing this: reduced fees and reduced certifications.

Kennedy asked what triggers the WRC review and approval of these regulations. The Clean Waters Act mandates that all water related regulations to get approval by the WRC. This is because the WRC is the policy setting body for Massachusetts.

Zimmerman said that certification implies penalties. What happens if a certifier lies? Reinhardt said the concept behind this program is that if one lies, the penalties are much worse. The way DEP finds out about lying is through the auditing program, which is part of this change. The auditors conduct random checks to determine if the information provided through the certification program is accurate. Reinhardt said that DEP is retaining the ability to permit where we need to. The POTW has to meet certain allocations.

It is expected that this will come back to the WRC for a vote in December.

**Agenda Item #6: Presentation – Proposal for an Office of Ecosystem Restoration**  
(Item taken out of turn)

McGregor distributed information on the proposed office. The Secretary is proposing this office which is built on programs that are already on-going and includes the wetlands restoration program, the river restore program, the lakes and ponds program, the anadromous fish restoration program, and uplands habitat management. There has been tremendous progress, and Massachusetts is ahead of many states on this. Staff of these programs have been meeting over the past year and discussing how they can work together towards true ecosystem restoration. The idea is that if an area has multiple losses, there is an opportunity for collaboration to restore these areas as whole ecosystems. This would work within existing budgets, but will formalize the collaboration and ultimately complete a pilot of some kind. This will also coordinate with the Watershed Initiative.

Foote-Smith said our experience with wetlands restoration demonstrates that there is so much more could be done if we look at these systems more holistically. Wetlands don't exist in isolation. We need to look at the relationship to other resources. This is what we hope to

achieve with this initiative. When we started talking to other restoration programs, we found we had a lot in common. All these programs had institutional issues, primarily around the regulatory process. We are working to come up with procedures that are more supportive of these types of projects.

Gildesgame asked what role non-governmental organizations have in this. Foote-Smith said that NGO's will be included. Pelczarski asked if the program would usurp local authority. Foote-Smith said the program would not usurp any authority, but it is hoped that it will lead to streamlining. Gartland suggested that the Ipswich River would be a good site for the pilot program. There are a lot of issues and the WRC has worked with USGS on habitat issues and, with DFW, has identified many areas and resources in need of restoration.

McGregor stated that there are three parts to the memo distributed: looking at regulatory issues; upland habitat restoration; creation of the Office of Ecosystem Restoration. These programs won't be moved out of the agencies where they now reside; the Office will just be the coordinator. Foote-Smith stated that no one has ever tried to do this before.

**Agenda Item #5: Presentation – Natural Heritage and Endangered Species Program Biomap Project**

Smith said that this was part of the biodiversity initiative. This is not for regulatory purposes, but shows environmentally sensitive areas. Szczebak stated that NHESP is working on the aquatic portions of the biomap. One of the biggest challenges has been to get all the aquatic information together. This includes information on non-point sources, point sources, dams etc.

In spring of 2000, the NHESP program received funding from EOEA to produce a statewide map showing areas of the highest species diversity. This will help focus conservation efforts in Massachusetts. The biggest problem is habitat destruction and fragmentation. The big culprit is sprawl. The goal is to focus local and regional efforts by first looking statewide and then to show local/regional organizations how their efforts could benefit the statewide species diversity. The basic goal was to delineate the areas that are most important for the long-term viability of terrestrial and wetland elements. The main task was to assess the existing data base, and then to produce GIS maps, and finally, to get this information out to the public. The project did not include aquatic biodiversity because it was such a large project.

A "fine filter" which focused specifically on rare species and identified their "core habitats" was developed. DFW was able to hire more ecologists and collect much more habitat information. We looked at animal plants and natural communities in core areas. Next all these core areas were amalgamated into a superset of cores.

Then everything that supports the core habitat was evaluated. The focus was on large undeveloped patches across the state, buffering, etc. To do a landscape analyses, the state was divided into a 30 by 30 meter grid cell. Every cell on the landscape was evaluated for these characteristics: how far from core habitat, size of cell, how far from development, forest history, size of urban sprawl, size of larger urban area, to identify areas that maintain ecological processes over the years. The last thing we looked at was the watershed. We put all of the individual factors together to come up with a matrix and ended up with a statewide map showing the biodiversity of areas across the state. We chose the highest scores and looked at eco-regions to get a representation of the core habitats. 1.5 million acres were targeted for protection. Szczebak then presented the biomap. One quarter of the state is core habitat. Half of the core

area is currently protected. The Southeast, Connecticut River Valley, and Berkshires have a preponderance of core habitat. We need to focus on the unprotected core habitat.

Gildesgame asked if there are plans to augment the data base. Szczebak said definitely, the data base is continually being updated. Pelczarski asked if the map will distinguish migratory species use. Szczebak said the focus is specifically on resident species. Pelczarski asked about marine species. Szczebak said the focus was on fresh water. McGregor said that marine species evaluation is being done under a separate effort. NHESP doesn't usually get involved with marine species and environments. Pelczarski asked if this would differentiate between invasive species, occasional visitors, and native species. Szczebak said yes, but threats from invasive species were not specifically identified.

The next piece should be the aquatic habitat piece. Funding has been provided to continue for two more years to map the aquatic piece. This is the second year and we are almost done. Threats to aquatic habitat are very different. It has been tough to gather this information. DEM has been great about sharing what information they have, but it has been difficult to gather information about non-point source pollution. Another issue is flow. We are trying to work with USGS to get as much information on flow as we can. We are collecting a lot of information this field season about species and habitat. The core areas for this project are just those within the aquatic habitat; it does not include any riparian or shoreline areas. We looked at different community types and tried to capture the basic ecosystem type in each watershed. We identified the core habitats and then the supporting areas, and identified any potential threats. We will also look at the supporting watershed area. Then we will characterize the watershed according to threats and management concerns. Right now we are at the stage where we are identifying the core aquatic habitat. In January we will start the secondary GIS analysis and wrap it up by May.

Meeting adjourned